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10/675,385	09/30/2003	Jeyhan Karaoguz	15013US02	6838

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EXAMINER
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MENDOZA JR, JORGE

ART UNIT	PAPER NUMBER
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4126

MAIL DATE	DELIVERY MODE
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12/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,385	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> JORGE MENDOZA JR	<b>Art Unit</b> 4126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims **1-31** are presented for Examination.

#### ***Priority***

2. A reference to the prior application No. **60/432,472**, filed Dec.11, 2002; application No. **60/443,894**, filed Jan.30, 2003; application No. **60/457,179**, filed March 25, 2003; and application No. **60/443,897**, filed Jan.30, 2003; application No. **60/473,696**, filed May 28, 2003; application No. **60/465,982**, filed April 28, 2003; and application **No. 60/448,658**, filed Feb.18, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for benefit of relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

#### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated references (Attorney Docket No. 14185US02, Attorney Docket No. 14274US02, & Application No.60/465,982) are disclosed in paragraph [02] of the specification.

***Specification***

4. The disclosure is objected to because of the following informalities:
5. Information provided in paragraphs [02], [41], [48], & [57] is incomplete. US Patent application numbers are missing in the Incorporated by Reference section and in the specification. Appropriate correction is required.
6. Information provided in paragraphs [35] & [37] is incorrect. According to Figure 1A, 'the third party media server' corresponds to reference character **117**, not **112** as indicated in the specification. Appropriate correction is required.
7. Information provide in paragraph [52] is incorrect. According to Figure 2A, 'the media exchange network' corresponds to reference character **200**, not **220** as indicated in the specification. Appropriate correction is required.
8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not distinctly define the characteristics of each of the claimed processors of Claim **31**: a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and a media peripheral processor (paragraphs [11] & [96]). Without further disclosure as to the distinctness of each claimed processor in Claim **31**, each claimed processor will be treated as indistinguishable and therefore the broadest reasonable interpretation of a processor will be used in the interpretation of Claim **31**.

***Drawings***

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “**407**” has been used to designate both ‘Kid's Pictures’ media channel and a media guide user interface.
10. The drawings are objected to because reference character ‘**C**’ of Figure 5 is labeling an incorrect location as stated in the specification. According to the paragraph [76] of the specification, reference character ‘**C**’ should be labeling where ‘the first party **501** accesses the third-party channel **504** using a media guide user interface **502** on a PC **503**’.
11. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

13. Claims **1-3, 9-13, 19-23, & 29-31** are rejected under 35 U.S.C. 102(a) as being anticipated by **Cezeaux et al. (US Patent Publication 2002/0184631)**.

With respect to Claim **1**, the claimed “generating a request from first location to receive media from a non-broadcast channel provider” is met by Cezeaux et al. that teach a subscriber, using a set top box **102** at a first location, requesting media from a content server **105**, which in turn may allow the subscriber to view media such as pay-per-view movies (Fig.1&4; paragraphs [0026], [0029], [0030], & [0035]). The claimed “providing at least one of payment and authorization information to said non-broadcast channel provider” is met by Cezeaux et al. that teach user authentication upon a request for media from a content server (Fig.3&4, paragraphs [0026], [0030], [0034] & [0035]). The claimed “receiving said media from a storage location other than said non-broadcast channel provider” is met by Cezeaux et al. that teach the transmittal of requested media to a subscriber from content sources **101** (Fig.1; paragraph [0030]).

With respect to Claim **2**, the claimed "presenting a representation of said transferred received media in at least one of a media guide and a channel guide at said first location" is met by Cezeaux et al. that teach the use of electronic program guide, **200**, for the representation of those services to which a subscriber is currently subscribed to, including the media that is associated with each channel (Fig. 2; paragraphs [0004], [0026], [0029], & [0033]).

With respect to Claim **3**, the claimed "consuming said received media at said first location" is met by Cezeaux et al. that teach the use of a television, **103**, and a set top box, **102**, in displaying received media to be viewed by a subscriber (Fig.1; paragraphs [0003], [0026], [0033], & [0034]).

With respect to Claim **9**, the claimed "searching said non-broadcast channel provider for information related to said media according to said generated request" is met by Cezeaux et al. that teach the use of a service selection system, within the content server, in searching for subscriber information associated with the media being requested in order to validate a request for subscription ([0026] & [0034]).

With respect to Claim **10**, the claimed "selecting said received media for consumption" is met by Cezeaux et al. that teach the selection of media to be viewed on a television display by a subscriber by the use of an EPG showing media channels currently subscribe to and the media associated with them ([0026], [0030], & [0033]).

Claim **11** is met as previously discussed with respect to Claim **1**.

Claim **12** is met as previously discussed with respect to Claim **2**.

Claim **13** is met as previously discussed with respect to Claim **3**.

Claim **19** is met as previously discussed with respect to Claim **9**.

Claim **20** is met as previously discussed with respect to Claim **10**.

Claim **21** is met as previously discussed with respect to Claim **1**. Furthermore, Cezeaux et al. teach the use of a set-top box, 102, that is utilized in requesting media, providing authentication information, and in receiving media from the content providers, 101 (Fig.1; paragraphs [0004], [0026], [0030], & [0034]).

Claim **22** is met as previously discussed with respect to Claim **2**.

Claim **23** is met as previously discussed with respect to Claim **3**.

Claim **29** is met as previously discussed with respect to Claim **9**.

Claim **30** is met as previously discussed with respect to Claim **10**.

With respect to Claim **31**, the claimed "wherein said at least one processor is at least one of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and a media peripheral processor" is met by Cezeaux et al. that teach the use of a set-top box, **102** (Fig.1; paragraphs [0004], [0026], [0030], & [0034]).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



15. Claims **4-8, 14-18, & 24-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cezeaux et al. (US Patent Publication 2002/0184631)** in view of **Thomas et al. (US Patent Publication 2002/0059621)**.

With respect to Claim **4**, the claimed “requesting that said received media be transferred from said storage location to a second location” is not explicitly taught by the Cezeaux et al. reference. However, in a similar field of endeavor, the Thomas et al. reference teaches a system in which a user is able to transfer the delivery of media from a first location to a second location (Abstract; paragraphs [0007], [0091], & [0096]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the ability to transfer media delivery from a first location to a second location as taught by the Thomas et al. reference with the system of requesting media from a media provider as taught by the Cezeaux et al. reference in order to allow a user the additional ability to view media at two distinct locations. A person of ordinary skill in the art would have been motivated to make such a modification to the Cezeaux et al. reference in order to provide a user a greater level of enjoyment in their viewing of media.

With respect to Claim **5**, the claimed “transferring an identifier of said second location to said non-broadcast provider” is met by Thomas et al. that teach the use of user identification information & a remote server network in authenticating a user at a second location in order to allow the transmittal of media (Paragraphs [0080], [0086], [0091], [0096], & [0099]).

With respect to Claim **6**, the claimed "presenting a representation of said transferred received media in at least on of a media guide and a channel guide at said second location" is met by Thomas et al. that teach the use of a programming guide in displaying on-demand programs available for ordering and which also displays media that has previously been relocated to a second location and may continued to be viewed. (Fig.5A, 6A, 7A, & 7B; paragraphs [0077], [0082], [0089], & [0091]).

With respect to Claim **7**, the claimed "media is consumed at said second location" is met by Thomas et al. that teach the viewing of relocated media at a second location upon the proper identification of the user (paragraphs [0007], [0087], [0091], & [0099]).

With respect to Claim **8**, the claimed "wherein said non-broadcast channel provider authorizes said storage location to transfer said media to at least one of said first location and said second location" is met by Thomas et al. that teach the authorization of media transfer, by media distribution facility, **150**, to a second location upon the proper identification of a subscriber by a remote server network, **110** (Fig.1, paragraph [0091]).

Claim **14** is met as previously discussed with respect to Claim **4**.

Claim **15** is met as previously discussed with respect to Claim **5**.

Claim **16** is met as previously discussed with respect to Claim **6**.

Claim **17** is met as previously discussed with respect to Claim **7**.

Claim **18** is met as previously discussed with respect to Claim **8**.

Claim **24** is met as previously discussed with respect to Claim **4**.

Claim **25** is met as previously discussed with respect to Claim **5**.

Claim **26** is met as previously discussed with respect to Claim **6**.

Claim **27** is met as previously discussed with respect to Claim **7**.

Claim **28** is met as previously discussed with respect to Claim **8**.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Zhou (US Patent Application Publication US 2002/0144279)** teaches a method for the creation of custom channels from numerous content providers via the use of a 'Broker' unit.

**Shah-Nazaroff et al. (US Patent 6,157,377)** teach a method for the purchasing of upgradeable features related to programming transmissions. Included in such a method, a request is sent to server system, which in turn coordinates purchasing the media feature with the programming transmission source.

**Yacenda et al. (US Patent Application Publication US 2004/0015993)** teach a system that uses local storage and replay devices in providing movies on-demand to a subscriber.

**Griggs et al. (US Patent Application Publication US 2002/0053081)** teach a system in which a program schedule listing a plurality of content providers and the media available from each is provided to a subscriber.

**Navar (US Patent 7,080,400)** teaches a method of distributing & storing multimedia content in a number of set-top boxes that form part of a multimedia network.

Art Unit: 2629

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge Mendoza Jr./

Examiner, Art Unit 4126

/Lun-Yi Lao/

Primary Examiner, Art Unit 2629